



JCO6 Rec PCT/PTO 24 AUG 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PCT

In re the application of:

Makoto TAKEMURA et al.

U.S. Serial Number: 10/522,717

Entered U.S. National Stage: January 28, 2005

International Application No. PCT/JP2003/010254

I.A. Filing Date: August 11, 2003

Cust. No. : 20374

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. 371**  
**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 24, 2005

Sir:

In a notification of missing requirements dated June 29, 2005, the Office requires the filing of a declaration in compliance with 37 C.F.R. §1.497(a) and (b). The Office notes that the declaration filed on January 28, 2005, identifies the third inventor as "Kazuaki SOUDA" and the international application identifies the third inventor as "Kazuaki HAYATA". The third inventor's name is "Kazuaki SOUDA" as identified in the declaration.

Applicants submit herewith a statement explaining the discrepancy between the identification of the third inventor in the declaration and in the international application. Applicants also

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**PATENT**

submit a substitute declaration.

As explained in the statement, the reason for the discrepancy is that the Japanese characters for the inventor's last name can be read as "HAYATA" or "SOUDA". When the international application was filed, Mr. Souda's last name was inadvertently identified as "HAYATA". Three sets of the declaration were executed by the inventors. Mr. Souda noticed that his last name was incorrectly identified in the declaration and corrected the set of the declaration that he executed. However, the change made by Mr. Souda to the set of the declaration that he executed was not noted until the Office issued the notification dated June 29, 2005.

The notification also indicates that a late declaration surcharge of \$130.00 for providing the declaration more than 30 months from the priority date is also required. Applicants submit that this fee is not required since the declaration filed on January 28, 2005, was submitted in a timely manner and in compliance with 37 C.F.R. §1.497(a) and (b). The declaration filed on January 28, 2005, contained all information required by and was properly executed under 37 C.F.R. §1.497(a) and (b). The fact that the international application incorrectly identified Mr. Souda does not make the declaration filed on January 28, 2005, defective.

A copy of the notification of missing requirements is also attached.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit

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**PATENT**

Account No. 111833. Please charge any additional required fees or credit any overpayment to our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



Keiko Tanaka Kubovcik  
Reg. No. 40,428

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KTK/jbf

Enclosures:      Substitute Declaration  
                     Statement  
                     Notification of Missing Requirements

03/20/2006 BCAMPREL 00000007 111833 10522717  
01 FC:1617      130.00 DA



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STATEMENT

I, Itsurou Abe, hereby state that I am competent in both the Japanese and English languages and that the inventor identified as Kazuaki "Hayata" in International Application No. PCT/JP2003/010254 is correctly Kazuaki "Souda". The following are the reasons why the name in the international application and the name in the declaration are different.

The Japanese characters for the inventor's last name can be read as "Hayata" or "Souda". The inventor's first name is correctly "Kazuaki". When the international application was filed, Mr. Souda's name was inadvertently identified as "Hayata". The declaration filed in the U.S. as originally prepared also identified his name as "Hayata". Three sets of the declaration were executed by the inventors. Mr. Souda noticed that his last name was incorrectly identified in the declaration and corrected the set of the declaration that he executed. However, the change made by Mr. Souda to the set of the declaration that he executed was not noted until the United States Patent and Trademark Office issued a Notification of Missing Requirements under 35 U.S.C. §371 in the United States Designated/Elected Office dated June 29, 2005.

Date: August 10 2005

Name: Itsuro Abe  
Itsuro Abe

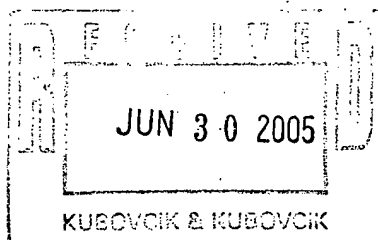


UNITED STATES PATENT AND TRADEMARK OFFICE

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 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/522,717	Makoto Takemura	ABE-030

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INTERNATIONAL APPLICATION NO.	
PCT/JP03/10254	
IA. FILING DATE	PRIORITY DATE
08/11/2003	08/13/2002

 CONFIRMATION NO. 7470  
 371 FORMALITIES LETTER


\*OC000000016385717\*

Date Mailed: 06/29/2005

*Due: 8/29/05*

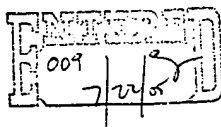
### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/28/2005
- English Translation of the IA filed on 01/28/2005
- Copy of the International Search Report filed on 01/28/2005
- Preliminary Amendments filed on 01/28/2005
- Information Disclosure Statements filed on 01/28/2005
- Oath or Declaration filed on 01/28/2005
- Request for Immediate Examination filed on 01/28/2005
- U.S. Basic National Fees filed on 01/28/2005
- Assignment filed on 01/28/2005
- Priority Documents filed on 01/28/2005
- Power of Attorney filed on 01/28/2005
- Specification filed on 01/28/2005
- Claims filed on 01/28/2005
- Abstracts filed on 01/28/2005
- Drawings filed on 01/28/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - Inventor name listed as "Kazuaki Souda" on Declaration and as "Kazuaki Hayata" on International Application. Please clarify.



DOCKETED BY: <i>RD</i>
DATE: <i>6.30.05</i>

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- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/522,717	PCT/JP03/10254	ABE-030